

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

LAURA LONDON, SURVIVOR AND
PERSONAL REPRESENTATIVE OF THE
ESTATE OF MICHAEL J. LONDON,

Plaintiff,

vs.

DARRELL MILLER, SHERIFF, IN HIS
INDIVIDUAL AND OFFICIAL CAPACITY;
STEVE SMITH, ATTORNEY, QMHP, IN HIS
INDIVIDUAL AND OFFICIAL CAPACITY;
SCOTT POWERS, DEPUTY SHERIFF, IN HIS
INDIVIDUAL AND OFFICIAL CAPACITY;
JOHN KOENIG, SD HIGHWAY PATROL
TROOPER, RETIRED, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITY; JOE
HUTMACHER, CHAMBERLAIN POLICE
CHIEF, IN HIS INDIVIDUAL AND OFFICIAL
CAPACITY; FRANK SCOTT, KIMBALL
POLICE CHIEF, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITY; DUSTIN POWELL,
CHAMBERLAIN POLICE OFFICER, IN HIS
INDIVIDUAL AND OFFICIAL CAPACITY;
CATLAND LANDEGENT, CHAMBERLAIN
POLICE OFFICER, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITY; CODY
SCHMEICHEL, SD HIGHWAY PATROL
TROOPER, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITY; CHRIS KONRAD,
SOUTH DAKOTA DCI AGENT, IN HIS
INDIVIDUAL AND OFFICIAL CAPACITY;
TOBY RUSSEL, SOUTH DAKOTA DCI
AGENT, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITY; BRIAN BIEHL, SD
HIGHWAY PATROL TROOPER (FORMER),
IN HIS INDIVIDUAL AND OFFICIAL
CAPACITY; ADAM WOXLAND, SD

4:17-CV-04165-RAL

JUDGMENT OF DISMISSAL
WITHOUT PREJUDICE

HIGHWAY PATROL, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; STEVE MANGER, SHERIFF LYMAN COUNTY, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; TERRANCE REYELTS, POLICE OFFICER, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; DEAN KNIPPLING, POLICE SGT., IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; DON JENNINGS, DEPUTY SHERIFF, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; ROBERT MAYER, SOUTH DAKOTA HIGHWAY PATROL SGT., IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; DIANA LANDEGENT, CONSERVATION OFFICER, SDGFP, IN HER INDIVIDUAL AND OFFICIAL CAPACITY; BRIDGET MAYER, ASSISTANT ATTORNEY GENERAL, IN HER INDIVIDUAL AND OFFICIAL CAPACITY; KELLY MARNETTE, ASSISTANT ATTORNEY GENERAL, IN HER INDIVIDUAL AND OFFICIAL CAPACITY; DAVID NATVIG, STATE'S ATTORNEY, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; PAUL SCHEUTH, CHIEF OF POLICE & JAIL ADMINISTRATOR, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; RICHARD BERTRAM, STAFF, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; WINNER CITY JAIL STAFF, IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY; WINNER CITY JAIL MEDICAL STAFF, IN THEIR OFFICIAL CAPACITY; AND BRULE COUNTY JAIL STAFF, IN THEIR OFFICIAL CAPACITY,

Defendants.

On July 2, 2018, this Court filed an Opinion and Order Regarding Reason for Dismissal Without Prejudice, explaining why Plaintiff Laura London (Laura) could not proceed because Jones ex rel Jones v. Correctional Medical Services, Inc., 401 F.3d 950, 951 (8th Cir. 2005),

“prohibit[s] a non-attorney administrator of an estate from proceeding pro se when there are other beneficiaries or creditors of the estate,” as there are in the Estate of Michael J. London. Doc. 39. In the conclusion of that Opinion and Order, this Court alerted Laura “that the complaint will be dismissed without prejudice to refiling, unless Laura secures counsel to proceed by July 23, 2018.” There have been no filings in this case since July 2, 2018, including no notice of appearance by any attorney retained by Laura for the estate or any motion by Laura for additional time to retain counsel. Therefore, for the reasons explained in the prior Opinion and Order, Doc. 39, it is hereby

ORDERED, ADJUDGED AND DECREED that judgment of dismissal without prejudice to refiling hereby enters under Rules 54 and 58 of the Federal Rules of Civil Procedure. It is further

ORDERED that the remaining motions to dismiss, Docs. 18 and 35, are denied as moot.

DATED this 1st day of August, 2018.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Roberto A. Lange", is written over a horizontal line.

ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE